

EUROPEAN COMMISSION PUBLIC CONSULTATION ON THE INDEPENDENCE OF AUDIOVISUAL REGULATORY BODIES

EBU RESPONSE

June 2013

The EBU welcomes the European Commission's public consultation on the independence of audiovisual regulatory bodies, as part of the wider reflection on media freedom and pluralism at the EU level, and in tandem with the Commission's separate consultation on the independent report from the High Level Group on Media Freedom and Pluralism.

The EBU strongly supports the independence of national audiovisual regulatory bodies, which ensures that they can play a key role in ensuring respect for media freedom and pluralism in their implementation and enforcement of EU and national law.

The EBU understands that the focus of any EU initiative in the audiovisual media services sector would be to ensure that national regulators operate independently of government and political influence. This however requires - as underlined in the Commission's consultation document - careful consideration of how the sector is regulated at the national level, taking into account the principle of subsidiarity, and in particular the variety of cultural, social and institutional characteristics that exist in the Member States. It is clear that a far-reaching EU legislative solution setting out detailed conditions for independence would be most unsuitable since it could not take into account these differences. Any attempt to harmonise standards in the EU - ie a "one size fits all" solution - could ultimately lead to a "race to the bottom" in terms of effective conditions.

It is vital that Member States retain the discretion to determine the appropriate criteria to guarantee the independence of regulatory bodies that fit their specific national constitutions, political and institutional structures. With respect to public service broadcasting, this discretion for the Member States would also be fully in line with the Amsterdam Protocol.

Finally, as a pan-European association, the EBU understands well the importance of cross-border co-operation. According to Article 30 AVMS Directive, the regulatory bodies already work together at the European level. This cooperation is extremely important, especially in the field of respect for human dignity and protection of minors, and has proven its effectiveness (eg, in the *Al-Manar* case). It also allows for a regular exchange of views and best practices in the implementation of the Directive. Overall, it provides an important forum for discussion of practical solutions

to legal problems regarding the interpretation and application of broadcasting regulation.

In addition, the EBU considers that the European Platform of Regulatory Authorities ("EPRA") also provides an effective forum for the cooperation of national audiovisual regulatory bodies. EPRA – as a pan European association including 53 regulatory bodies - provides an open platform for discussions on a wide variety of topics relevant to regulators.

The EBU therefore considers that significant structures for the cooperation between supervisory bodies already exist, and their effectiveness has already been proven in the past. If these structures are encouraged and further supported, there is no need in the EBU's view for the Commission to set up any new committees or other institutions for this purpose.
